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Paper No. 12

In re Application of :
Catherine O'Neill :
Application No. 09/27,606 : DECISION ON PETITION
Filed: August 21, 2001 :
For: Resealable Tab For :
A Drinking Cup :

This is a decision on the petition filed on July 29, 2004 by which petitioner requests withdrawal of the holding that this application stands abandoned for failure to file a timely and proper reply to the Office letter dated August 20, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that this application is not abandoned because petitioner did not receive the Office letter in question. Petitioner has supported this allegation in a manner that satisfies the requirements for a petition to withdraw a holding of abandon based upon nonreceipt of Office correspondence as set forth in MPEP § 711.03(c). Based upon the showing submitted by petitioner, it is clear this application is not technically abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for Technology Center 3700 to re-mail the Office letter dated August 20, 2003, together with a complete copy of the Notice of Allowability and all attachments thereto. The period for reply to the re-mailed Office letter will run from the date of re-mailing, and is subject to extensions of time pursuant to 37 CFR 1.136(a). In no event may the time for replying thereto extend more than six months from the date of re-mailing.

PETITION GRANTED

E. Rollins-Cross, Director
Technology Center 3700

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